

REMARKS

Claims 4 and 8 have been canceled. New claims 9-12 have been added. Claims 1-3 and 5-7 have been amended. The application now includes claims 1-3, 5-7, and 9-12.

The drawings show a side view of the wheelchair. It would be understood by one of ordinary skill in the wheelchair making art that the wheelchair has corresponding wheels on its opposite side which match the front and back wheels shown in Figure 1. However, to overcome the objection and accelerate prosecution on the merits, the objection to the drawings has been addressed by amending the claims to recite "at least one" steerable wheel and "at least one" non-steerable wheel. As amended, the drawings correspond with the claims, and the objection should now be withdrawn.

Claims 3, 4, and 8 were rejected under 35 U.S.C. 112, first paragraph. The rejection is traversed in view of the amendments above and remarks below.

With respect to claim 3, the specification indicates on page 4, lines 29-32, that the "tube 11 corresponds in the outside diameter to the inside diameter of tube 7 and is pushed into the latter". Claim 3 has been amended to further define the concentric arrangement of the tubes with the ability of the inner tube to push into the outer tube.

Claims 4 and 8 have been canceled.

In view of the about, the rejection should now be withdrawn.

Claims 1-8 were rejected under 35 U.S.C. 112, second paragraph. In response, claims 1-3 and 5-7 have been revised for clarity and to address antecedent basis issues, and these claims, as well as new claims 9-12, should now be in compliance with the requirements of 35 U.S.C. 112, second paragraph.

Claims 1-3 and 5-7 were rejected as being obvious over a combination of U.S. Patent 5,294,141 to Mentessi and British Patent GB 2,141,980 to Tunkers. Claim 1 was rejected as being obvious over Tunkers in view of U.S. Patent 4,730,842 to Summers. These rejections are traversed. The rejections of claims 4 and 8 based on prior art are now moot.

As explained on page 1 of the application, prior powered wheelchair systems did not provide a mechanism for addressing the differences in the center

of gravity when a large person or when a small person is seated in the chair. Page 1, line 26 et seq., explains that some prior systems provide for a displaceable seating system to address these types of issues; however, these type of systems increase the overall length of the wheelchair, thus restricting the ability to turn. Tunkers shows an example of this type of system (note arrow X-Y in Figure 1 of Tunkers). In Tunkers, the drive wheels 2 can be moved longitudinally toward or away from guide wheels 4. However, unlike the claimed invention, the telescoping portions 10 and 11 of the frame are NOT inclined. Rather, they are parallel to the floor (i.e., where tires 4 and 2 contact the ground). Further, the Tunkers Frames would NOT be modified to be inclined, as the purpose of these frame members is to allow the relative position of the seat to the wheel 2 to be varied and to increase stability.

As the Examiner will acknowledge, the Mentessi reference does not show or describe a powered wheelchair. An after market adaptation of the wheel chair, as suggested the Examiner, does not change the wheel chair design of Mentessi. Thus, combining features of Mentessi with Tunkers would not be possible, as Tunkers contemplates the to move the back half of the frame relative to the front half (see Figure 2 of Tunkers), while Mentessi, with an after market adaptation, still would not have separate frame components. Furthermore, the distance between the wheels in Mentessi is not infinitely variable (i.e., Figure 1 clearly shows holes 112 to lock the spacing of the wheels into a plurality of fixed positions). The Examiner's suggestion to substitute the frame adjusting mechanism 10, 11 of Tunkers for the design in Mentessi would not be possible, as the Tunkers design contemplates separation of the front and rear of the frame, and Mentessi does not. Also, with respect to claim 1, Mentessi does not show a incline from front to back; rather, it shows the reverse incline of back to front. Thus, a combination of Mentessi and Tunkers if it could be made, which the undersigned does not concede, would not have the same configuration specified in claim 1. Also, with respect to both claim 1 and claim 12, which corresponds to the main claim granted in the corresponding European application, neither Mentessi nor Tunkers show adjustment of the distance between the axis of rotation of the wheels and frame being adjusted in accordance with the telescoping movement of the telescoping member (see, e.g., Figure 1 shows distance A

between the frame and the rotational axis of the steering wheel). For example, in Tunkers, the Frame is always at the same height relative to the front guide wheels (it is the length of the wheel base that varies in Tunkers), and in Mentessi, the bar 90 (see Figures 1 and 2) is of a fixed length. As such, none of the claims would be obvious over any combination of Mentessi and Tunkers.

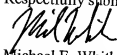
With respect to the proposed combination of Tunkers and Summers, the undersigned notes that Summers would not modify Tunkers as suggested. If the height of the axis of rotation of the guide wheels 4 of Tunkers were either lowered or raised, using the mechanism of Summers, one could not then adjust the spacing between with guide wheels and powered wheels of Tunkers as Tunkers depends on the ability to slide the frame members on a path parallel to the ground. Furthermore, the combination would not produce an inclined configuration of the telescopic members as required by both claims 1 and 12, or, in particular, a front to back inclination as claimed in claim 1 and discussed above. In view of this, the rejection of claim 1 should now be withdrawn.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-3, 5-7, and 9-12 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Michael E. Whitham
Reg. No. 32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190
Tel. (703) 787-9400
Fax. (703) 787-7557

Customer No.: 30743